

CHAPTER IX.

JUSTICE.

Chapter IX.

Justice.

CIVIL COURTS.

1818-1846.

AFTER his proclamation of the 11th of February 1818 General Munro introduced civil administration into Dhárwár or as it was then called the Southern Marátha Doáb. Under the title of Principal Collector and Political Agent he exercised the functions of chief judicial, police, and revenue officer over the whole of it. The head-quarters of the district were at Dhárwár. The Southern Marátha Doáb was divided into twenty-one sub-divisions, in each of which a mámlatdár assisted by three or four *zilledárs* or village group clerks, conducted the revenue, magisterial, and police administration.

At the beginning of British rule petty civil claims and disputes were disposed of by the village officers; claims of more importance were entertained by the mámlatdárs and referred for final decision to *pancháyats* or juries; the highest class of claims were filed before the Collector and were referred by him to *pancháyats* for decision subject to final trial on appeal before himself. About the year 1820 or 1821 a separate judicial officer called the *adálat peshkár* or court's clerk was appointed to each sub-division, but he appears to have been little more than a clerk to the mámlatdár. His office was soon abolished and *munsifs* were appointed who gradually introduced the judicial system prescribed in the General Regulations of 1827 for the Bombay Presidency. The Principal Collector was aided by a judicial assistant under the title of Registrar. In 1822 some of the sub-divisions of the Southern Marátha Doáb were formed into the separate district of Sholápur. By Regulation VII of 1830 the remaining portions of the Southern Marátha Doáb were brought under the General Regulations of 1827 for the Bombay Presidency, and were called the Dhárwár Zilla. As the administration developed the district was found too large for a single charge, and, in 1836, the northern portion was for revenue purposes made into the separate district of Belgaum, the district and sessions court at Dhárwár keeping its jurisdiction over both districts.

In 1846 the district of Dhárwár, excluding the ten sub-divisions of the judicial division of Belgaum, consisted of eight sub-divisions Bankápur, Dambal, Dhárwár, Hángal, Hubli, Kod, Navalgund, and Ránebennur. The court of the District Judge was held at Dhárwár and his jurisdiction extended over the district of Dhárwár and the judicial division of Belgaum. The Assistant Judge also held his court at Dhárwár and his

jurisdiction extended over the same territory as that of the District Judge. The principal *sadar amin* held his court at Dhárwár and his local jurisdiction extended over the sub-division of Dhárwár and over certain villages in Belgaum. The *sadar amin* of Hubli held his court at Hubli, and his local jurisdiction extended over the sub-division of Hubli and over certain villages of the Bankápur and Navalgund sub-divisions. The *munsif* of Háveri held his court at Háveri, a town in the Ránebennur sub-division, and his local jurisdiction extended over the three sub-divisions of Hángal, Kod, and Ránebennur and over certain villages of Bankápur. In 1869 the Belgaum division was made a separate judicial district, and the subordinate courts of the Dhárwár district were redistributed. The District Judge of Dhárwár held his court at Dhárwár and his local territorial jurisdiction extended over the eleven sub-divisions of the Dhárwár District. The first class sub-judge of Dhárwár held his court at Dhárwár, and his local jurisdiction extended over the four sub-divisions of Dhárwár, Hubli, Bankápur, and Kalghatgi. The second class sub-judge of Háveri held his court at Háveri, a town in the Karajgi sub-division, and his local jurisdiction extended over the sub-divisions of Karajgi, Hángal, Kod, and Ránebennur. The sub-judge of Gadag held his court at Gadag and his local jurisdiction extended over the three sub-divisions of Gadag, Navalgund, and Ron.

In 1870 the number of courts was four, one district and three subordinate courts, the number of suits disposed of was 2303, and the average duration was 158 days. In 1875 the number of courts was five, one district and four subordinate courts, the sub-judge's court of Hubli being the additional court, the number of suits disposed of was 3760, and the average duration of contested suits was 143 days and of uncontested forty-eight days. In 1880 the number of courts was the same as in 1875, the number of suits disposed of was 3334, and the average duration of a contested suit was 120 days and of an uncontested suit eighty days. At present (1883) the district has a District Judge and four sub-judges. Of the four sub-judges the first class sub-judge of Dhárwár besides special jurisdiction above £500 (Rs. 5000) over the whole district has ordinary jurisdiction over the Dhárwár and Kalghatgi sub-divisions, the second class sub-judge of Hubli has jurisdiction over the Hubli and Bankápur sub-divisions, the second class sub-judge of Gadag has jurisdiction over the Gadag, Navalgund, and Ron subdivisions, and the sub-judge of Háveri has jurisdiction over the Hángal, Karajgi, Kod, and Ránebennur sub-divisions. The average distance of the Dhárwár court from its furthest six villages is eighty-five miles as respects its special jurisdiction and twenty-eight miles as respects its ordinary jurisdiction, of the Hubli court thirty-two miles, of the Gadag court thirty miles, and of the Háveri court thirty-five miles.

During the thirteen years ending 1882 the average number of suits decided was 3395. Except in 1871 when the total rose from 2303 in 1870 to 2800 in 1871, and in 1875 when the total suddenly rose from 2577 in 1874 to 3831 or an increase of nearly fifty per cent, during the six years ending 1875, the totals varied from 2303 in

Chapter IX.

Justice.

CIVIL COURTS.

1846-1870.

1870-1883.

CIVIL SUITS.

1870-1882.

Chapter IX.

Justice.

CIVIL SUITS.

1870-1882.

1870 to 3831 in 1875 with small rises and falls. Except in 1879 when the total fell from 4212 in 1878 to 4073 in 1879, during the next seven years, the totals show alternate rises and falls, the lowest total being 3332 in 1880 and the highest 4769 in 1876. Of the total number of cases decided, fifty-eight per cent have on an average been given against the defendant in his absence, the lowest percentage being forty-two in 1882 and the highest sixty-eight in 1872. For the first three years the figures of percentage are above the average by eight per cent in the first two years and ten per cent in the third year. During the next eight years the proportion of cases decided in this way showed slight variations from the average, the rise or fall being generally one to three per cent and only in 1878 as much as five per cent. During the last two years there were unusual falls to forty-six or twelve per cent and to forty-two or sixteen per cent below the average, in 1881 and 1882 respectively:

Dhárwār Ex-parte Decrees, 1870-1882.

YEAR.	Suits.	Deci- sions.	Percent- age.	YEAR.	Suits.	Deci- sions.	Percent- age.
1870	2303	1531	66.4	1877	3460	2131	61.3
1871	2800	1852	66.1	1878	4212	2632	63.6
1872	2516	1726	68.6	1879	4073	2454	60.2
1873	2493	1415	56.7	1880	3332	1876	56.3
1874	2577	1512	58.6	1881	4024	1969	46.4
1875	3831	2190	57.1	1882	3742	1575	42.0
1876	4769	2919	61.2	Total	44,132	25,732	58.3

Of contested cases, during this period of thirteen years an average of 27.8 per cent have been decided for the defendant, the percentage varying from 35.11 in 1875 to 18.05 in 1877, and the number keeping below 200 during the whole period except in 1875, 1881, and 1882 when the number was above 200. In 160 or 4.27 per cent of the suits decided in 1882 the decree was executed by putting the plaintiff in possession of the immovable property claimed. The number of this class of cases varied from 108 out of 4073 in 1879 to 397 out of 3831 in 1875. In 430 or 11.49 per cent of the 1882 decisions, decrees for money due were executed by the attachment or sale of property. Of these 372 or 9.94 per cent were executed by the sale of immovable property and 58 or 1.54 per cent by the sale of movable property. The number of the attachments or sales of immovable property varied from 1378 in 1872 to 372 in 1882, and of movable property from 220 in 1876 to fifty-three in 1880. During the thirteen years ending 1882 the number of decrees executed by the arrest of debtors varied from 127 in 1871 to sixteen in 1878. Except in 1871 when the number rose from 112 in 1870 to 127 and in 1876 when it rose to thirty-four from twenty-three in 1875, during the first nine years the number gradually dwindled from 112 in 1870 to sixteen in 1878. From sixteen in 1878 it rose to forty in 1880 and from forty it fell to seventeen in 1882. The following table shows that during the same thirteen years (1870-1882) the number of civil prisoners varied from forty-three in 1876 to fifteen in 1878:

Dhárwár Civil Prisoners, 1870-1882.

Chapter IX.

Justice.

CIVIL SUITS.
1880-1882.

YEAR.	PRISONERS.	DAYS.	RELEASE.				
			Satisfying Decrees.	Creditors' Requests.	No Sub-sistence.	Disclosure of Property.	Time-Expired.
1870	40	2175	6	...	34	...	...
1871	25	1102	...	4	21	...	...
1872	20	996	2	5	13	...	...
1873	23	766	2	3	14	...	4
1874	18	568	1	1	15	...	1
1875	34	1791	2	6	23	2	1
1876	43	546	2	8	31	...	2
1877	20	913	3	1	14	...	2
1878	15	414	1	3	8	...	3
1879	17	1035	...	4	8	...	5
1880	29	943	2	8	16	...	3
1881	23	1029	...	4	20	...	4
1882	18	472	..	5	13	...	...

The following statement shows in tabular form the working of the district civil courts during the thirteen years ending 1882 :

Dhárwár Civil Courts, 1870-1882.

YEAR.	SUITS.	AVERAGE VALUE IN £.	UNCONTESTED.				
			Decreed Ex-parte.	Dismissed Ex-parte.	Decreed on Confession.	Other-wise.	Total.
1870	2303	21'3	1531	17	62	179	1789
1871	2800	24	1852	42	67	227	2188
1872	2516	30'8	1726	33	86	235	2080
1873	2493	24'3	1415	100	103	325	1943
1874	2577	18'2	1512	103	116	314	2044
1875	3931	20'4	2190	131	178	583	3082
1876	4769	18'5	2919	247	205	605	3976
1877	3460	14'9	2131	142	123	405	2801
1878	4212	15'9	2682	278	191	418	3569
1879	4073	13'6	2454	186	142	624	3406
1880	3332	15'6	1876	266	133	485	2760
1881	4024	15'1	1869	266	97	629	2861
1882	3742	14'7	1575	105	133	799	2617

YEAR.	CONTESTED.				EXECUTION.			
	For Plaintiff.	For Defendant.	Mixed.	Total.	Arrest of Debtor.	Possession by Decree Holder.	Attachment or Sale of Property.	
							Immovable.	Movable.
1870	313	158	43	514	112	113	752	150
1871	390	199	23	612	127	163	1018	151
1872	255	136	45	436	88	160	1378	161
1873	380	170	...	550	72	151	697	127
1874	354	179	...	533	69	156	625	104
1875	436	203	...	749	23	397	951	168
1876	600	198	...	798	34	161	1013	220
1877	540	119	...	659	17	133	732	91
1878	503	135	...	643	16	119	680	63
1879	502	165	...	667	18	108	1065	55
1880	455	117	...	572	40	116	732	53
1881	900	263	...	1163	22	130	489	78
1882	773	347	...	1125	17	160	372	68

Chapter IX.

Justice.

SMALL CAUSE
COURTS.

Till the 1st of June 1869 when a redistribution of subordinate courts in Dhárwár was made and the Dhárwár and Hubli Small Cause Court was established, there was a *sadar amin's* court at Hubli. After the experience of six years it was found that there was not sufficient work for a separate Small Cause Court at Hubli and Dhárwár and the Court was abolished on the 31st of July 1875, and a second class subordinate judge's court was established at Hubli. The Small Cause Court business of Dhárwár town and neighbourhood is performed by the first class subordinate judge of Dhárwár, who is invested with the Small Cause Court powers under the provisions of section 28 of Act XIV of 1869.

REGISTRATION.

The work of Registration employs eleven sub-registrars all of them special or full-time officers. One of these sub-registrars is stationed at each sub-divisional head-quarters. In addition to supervision by the Collector as District Registrar, a special scrutiny under the control of the Inspector General of Registration and Stamps is carried on by the divisional inspector. According to the registration report for 1882-83 the gross registration receipts for that year amounted to £891 (Rs. 8910) and the charges to £698 (Rs. 6980) thus leaving a credit balance of £193 (Rs. 1930). Of 4505, the total number of registrations, 4331 related to immovable property, 135 to movable property, and thirty-nine were wills. Of 4331 documents relating to immovable property were 1171 mortgage deeds, 1930 deeds of sale, forty-one deeds of gift, 942 leases, and 247 miscellaneous deeds. Including £102,202 (Rs. 10,22,020) the value of the immovable property transferred, the total value of the property affected by registration amounted to £107,103 (Rs. 10,71,030).

MAGISTRACY.

At present (1884) thirty officers share the administration of criminal justice. Of these, seven, including the District Magistrate, are magistrates of the first class and twenty-three are magistrates of the second and third classes. Of the magistrates of the first class three are covenanted European civilians, one is a European uncovenanted civil officer, and three are Natives including two *mámlatdárs* exercising first class powers. The District Magistrate has a general supervision of the whole district, while, except the two *mámlatdars* each of the other four first class magistrates as assistant or deputy collector has an average charge of 1133 square miles and 22,027 people. In 1882, the five first class magistrates decided 185 original criminal cases and 124 criminal appeals. The average charge of the twenty-three second and third class magistrates, all of whom are Natives, was 197 square miles with a population of 38,387. In 1882 these magistrates decided 1798 original criminal cases. Besides their magisterial duties these officers exercise revenue powers as *mámlatdárs*, *mahálkaris*, or head clerks of *mámlatdars*. In 1882-83, 1392 village headmen received average yearly emoluments amounting altogether to £4633 (Rs. 46,330). Of the whole number, twenty-four, under section 15 of the Bombay Village Police Act (VIII of 1867) can in certain cases fine up to 10s. (Rs. 5). The others, under section 14, cannot fine and can imprison for only twenty-four hours.

There is no regular village police, the revenue headman or *pátíl* as a rule performs the duties of a police headman. His office is generally hereditary and his pay is in proportion to the land revenue of the village under his charge. The headman is assisted by the *shetsandis* or watchmen who are generally paid in land, and as a rule are Bedars and Kurubars or shepherds.

The chief local obstacles to the discovery of crime and the conviction of offenders are the unwillingness of people to give information regarding crimes and offenders, the tampering with witnesses, the neighbourhood of Maisur in the south and of the Nizám's country in the east, and the existence of the Patvardhan *jágir* villages in the heart of the district. People are unwilling to give information because they are summoned as witnesses from their homes to attend distant courts; and the *batta* or allowance they are given does not make up for the cost and trouble to which they have been put. Gambling, receiving stolen property, sheltering criminals, assaults, riots, breach of trust, forgery, and occasional murders through spite are the characteristic crimes of the higher classes. There are a few agrarian offences, such as plundering standing crops and setting hay, houses, and corn-bins on fire. A few crimes arise from the pressure of creditors. Cases of professional poisoning are unknown.

Korvárs or basket makers, Lavánás or carriers, and Vaddars or earth diggers, wander over the district and are more or less given to thieving. Besides these tribes gang robbers armed with stones and slings come from the neighbouring native states into the district, commit robberies, and return to their homes.

In the year 1882 the total strength of the district or regular police force was 733. Of these, under the District Superintendent, two were subordinate officers, 111 inferior subordinate officers, and twenty-five mounted and 594 foot constables. The cost of maintaining this force was for the Superintendent a total yearly salary of £960 (Rs. 9600); for the subordinate officers on yearly salaries of not less than £120 (Rs. 1200), and the inferior subordinate officers on yearly salaries of less than £120 (Rs. 1200), a total yearly cost of £2976 6s. (Rs. 29,763), and for the foot and mounted constables a cost of £6150 14s. (Rs. 61,507). Besides their pay a total sum of £240 (Rs. 2400) was yearly allowed for the horse and travelling allowances of the Superintendent; £463 (Rs. 4630) for the pay and travelling allowance of his establishment; £247 (Rs. 2470) for the horse and travelling allowances of subordinate officers; and £1125 4s. (Rs. 11,252) a year for contingencies and petty charges. Thus the total yearly cost of maintaining the police force amounted to £12,162 4s. (Rs. 1,21,622). On an area of 4534 square miles, and a population of 882,907, these figures give one constable for every six square miles and 1205 people, and a cost of £2 13s. 8d. (Rs. 26½) to the square mile, or 3d. (2 as.) to each head of the population. Of the total strength of 733, exclusive of the Superintendent, four, one officer and three men, were in 1882 employed as guards at district, central, or subsidiary jails; seventy-seven, eleven

Chapter IX.

Justice.

VILLAGE POLICE.

CRIME.

CRIMINAL
CLASSES.POLICE.
1882.

Chapter IX.

Justice.

POLICE.

1882.

of them officers and sixty-six men were engaged as guards over treasuries and lock-ups, or as escorts to prisoners and treasure; 575, ninety-three of them officers and 482 men, were stationed in towns, municipalities, and cantonments. Of the whole number, exclusive of the Superintendent, 367 were provided with firearms and forty-two with swords or with swords and batons; and 323 were provided with batons only; 246, of whom seventy-eight were officers and 168 men, could read and write; and 281 of whom twenty were officers and 261 men, were under instruction.

Except the Superintendent who was a European, the members of the police force were all natives of India. Of these fifty-four officers and 330 men were Muhammadans, eleven officers and twelve men Bráhmans, nine officers and thirty-three men Rajputs, three officers and eight men Lingáyats, twenty-seven officers and 178 men Maráthás, eight officers and forty men Hindus of other castes, and two officers and three men Christians.

OFFENCES.

1874-1882.

The returns for the nine years ending 1882 show a total of 217 murders, sixty-three culpable homicides, 221 cases of grievous hurt, 727 gang and other robberies, and 32,938 other offences. During these nine years the total number of offences gave a yearly average of 3796 or one offence for every 211 of the population. The number of murders varied from thirteen in 1880 and 1882 to sixty-three in 1877 and averaged twenty-four; culpable homicides varied from none in 1874 to sixteen in 1878 and averaged seven; cases of grievous hurt varied from fourteen in 1879 to thirty-nine in 1874 and averaged twenty-five; gang and other robberies varied from forty in 1875 to 189 in 1877 and averaged eighty-one; and other offences varied from 2859 in 1874 to 6661 in 1877 and averaged 3660 or 96·4 per cent of the whole. Of the whole number of persons arrested the convictions varied from thirty-five per cent in 1874 to sixty-two in 1877 and averaged forty-seven per cent. The percentage of stolen property recovered varied from twenty-five in 1875 to forty-seven in 1876. The details are:

Dhárwár Crime and Police, 1874-1882.

YEAR.	OFFENCES AND CONVICTIONS.															
	Murders and Attempt to Murder.				Culpable Homicides.				Grievous Hurts.				Dacoities and Robberies.			
	Cases.	Arrests.	Convictions.	Percentage.	Cases.	Arrests.	Convictions.	Percentage.	Cases.	Arrests.	Convictions.	Percentage.	Cases.	Arrests.	Convictions.	Percentage.
1874 ...	19	33	12	36	...	...	...	...	39	62	22	35	43	69	8	11
1875 ...	26	55	28	50	11	16	5	31	18	27	11	40	40	69	16	23
1876 ...	19	83	16	19	8	12	7	58	28	54	22	40	108	260	67	26
1877 ...	63	116	49	42	9	13	3	23	34	66	23	35	189	750	233	31
1878 ...	29	60	24	40	16	32	17	53	27	26	20	77	92	185	94	51
1879 ...	18	25	13	52	9	13	6	46	14	15	12	80	47	78	18	23
1880 ...	13	27	9	33	4	6	2	33	17	22	11	50	76	81	10	12
1881 ...	17	26	5	19	4	7	2	28	26	30	17	57	71	58	17	30
1882 ...	13	20	20	100	2	2	...	...	18	33	23	70	63	41	24	60
Total ...	217	445	176	40	63	101	42	39	221	335	161	48	727	1589	487	31

Dhárwár Crime and Police, 1874-1882—continued.

Chapter IX.

Justice.

OFFENCES.
1874-1882.

YEAR.	OFFENCES AND CONVICTIONS—continued.											
	Other Offences.				Total.				Property.			
	Cases.	Arrests.	Convictions.	Percentage.	Cases.	Arrests.	Convictions.	Percentage.	Stolen.	Recovered.	Percentage.	
1874	2850	4160	1468	35	2960	4324	1510	35	6595	1731	26	
1875	3184	3898	1438	40	3278	4065	1498	37	8211	2018	25	
1876	3818	4607	1808	40	3979	5016	1920	39	8080	3773	47	
1877	6661	9600	6202	65	6956	10,545	6510	62	11,140	5082	46	
1878	4069	4420	2608	60	4253	4721	2763	59	6741	3007	45	
1879	3028	3745	1950	52	3116	3376	1993	52	5027	1724	34	
1880	3002	3435	1659	45	3112	3571	1591	45	6194	1637	26	
1881	3040	3415	1415	41	3158	3536	1456	41	5394	1690	29	
1882	3277	3772	1463	38	3373	3868	1530	40	4953	1712	35	
Total	32,938	41,052	19,911	48	34,166	43,522	20,771	47	62,340	22,274	35	

Besides the lock-up at each mámlatdár's office, there is a district jail at Dhárwár and three subordinate jails, one each at Shevgaon Karajgi and Ron. The number of convicts in the Dhárwár jail on the 31st of December 1882 was 207 of whom 171 were males and thirty-six females. During the year 1883, 478 convicts, of whom 399 were males and seventy-nine females, were admitted, and 467, of whom 400 were males and sixty-seven females, were discharged. During the year the daily average of prisoners was 199 and at the close of the year the number of convicts was 218 of whom 170 were males and forty-eight females. Of these 338 males and fifty females were sentenced for not more than one year, seventeen males were for over one year, and not more than two years; five males were for more than two years and not more than five years; and none were for more than ten years. Eight males and two females were under sentence of transportation and six male prisoners were sentenced to death. The daily average number of sick was 4·8. During the year four prisoners died in hospital. The total yearly cost of diet was £323 4s. (Rs. 3232) or an average of £1 12s. 1½d. (Rs. 16½) to each prisoner.

JAILS.